

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By **CHAIRMAN JIM PETERSON**, on March 30, 2005 at 3:00 P.M., in Room 152 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Jim Peterson, Chairman (R)  
Rep. Christopher Harris, Vice Chairman (D)  
Rep. John (Jack) W. Ross, Vice Chairman (R)  
Rep. Debby Barrett (R)  
Rep. Norma Bixby (D)  
Rep. Dee L. Brown (R)  
Rep. Paul Clark (D)  
Rep. Sue Dickenson (D)  
Rep. George Everett (R)  
Rep. Kevin T. Furey (D)  
Rep. Gail Gutsche (D)  
Rep. Ralph Heinert (R)  
Rep. Llew Jones (R)  
Rep. Mike Jopek (D)  
Rep. Carol Lambert (R)  
Rep. Rick Maedje (R)  
Rep. Veronica Small-Eastman (D)

**Members Excused:** None.

**Members Absent:** Rep. David E. Wanzenried (D)

**Staff Present:** Joe Kolman, Legislative Branch  
Debra Polhemus, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 143, 3/23/2005; SB 376,  
3/23/2005  
Executive Action: HB 793; SB 44; HJ 36; SB 145  
SB 138; SB 142; SB 214; SB 233

**EXECUTIVE ACTION ON HB 793**

00:03:48 **Motion:** REP. BROWN moved that HB 793 DO PASS.

00:04:42 **Motion:** REP. JOPEK moved that HB 793 BE AMENDED  
with Sections #2 and #3 of the Amendment.

[EXHIBIT](#) (nah67a01)

[EXHIBIT](#) (nah67a02)

00:06:00 REP. BROWN  
00:07:45 REP. JOPEK  
00:08:26 REP. MAEDJE  
00:09:11 REP. JOPEK  
00:09:38 REP. BROWN

00:09:58 **Vote:** Motion carried by voice vote with REP.  
EVERETT voting no.

00:10:23 **Motion:** REP. JOPEK moved that HB 793 DO PASS AS  
AMENDED.

**Discussion:**

00:11:26 REP. ROSS  
00:12:45 CHAIRMAN PETERSON  
00:13:22 REP. DICKENSON  
00:15:21 REP. BROWN  
00:16:08 REP. HEINERT  
00:17:51 REP. LAMBERT  
00:18:20 REP. GUTSCHE

00:20:09 **Vote:** Motion failed 9-9 by roll call vote with  
REPS. BIXBY, CLARK, DICKENSON, FUREY, GUTSCHE,  
HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED  
voting aye and REP. WANZENRIED voting by proxy.

**HEARING ON SB 143**

**Opening Statement by Sponsor:**

00:22:10 **SEN. RICK LAIBLE (R), SD 44**, opened the hearing on **SB 143**, Authorize contingent transfer and appropriation from orphan share account.  
**EXHIBIT (nah67a03)**

**Proponents' Testimony:**

00:25:20 Sandi Olson, Department of Environmental Quality  
**EXHIBIT (nah67a04)**

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:31:02 **REP. EVERETT**  
00:33:04 **REP. LAMBERT**  
00:35:49 **REP. BROWN**  
00:38:38 **REP. HEINERT**  
00:41:08 **REP. BARRETT**  
00:46:33 **REP. HEINERT**  
00:49:30 **REP. LAMBERT**  
00:50:49 **REP. BROWN**

**Closing by Sponsor:**

00:52:27 **SEN. RICK LAIBLE (R)**, closed the hearing on **SB 143**.

**HEARING ON SB 376**

**Opening Statement by Sponsor:**

00:54:32 **SEN. MIKE WHEAT (D), SD 32**, opened the hearing on **SB 376**, Require environmental impact statement on certain reach of Gallatin River.

**Proponents' Testimony:**

00:59:50 Amy Stix, American Wildlands, Bozeman  
**EXHIBIT (nah67a05)** Jon Holtzman via letter  
01:03:10 John Wilson, Trout Unlimited  
**EXHIBIT (nah67a06)**  
01:11:17 Harry Murphy, Bozeman resident  
01:13:17 Derek Goldman, Montana Audubon and the Montana Chapter of the American Fisheries Society  
01:15:35 Joe Gutkoski, President, Montana River Action  
01:18:54 Don Judge, representing Montana Chapter of the Sierra Club

**Opponents' Testimony:**

01:20:09 Michael S. Kakuk, Attorney, representing Montana  
Association of Realtors  
01:24:22 Ellen Hegstedt, representing Montana Wood Products  
Association  
01:25:39 Jason Todhunter, Montana Logging Association

**Informational Testimony:**

01:26:25 Richard Oppen, Director, Montana Department of  
Environmental Quality

**Questions from Committee Members and Responses:**

01:29:09 REP. BROWN  
01:33:33 REP. HEINERT  
01:39:09 REP. GUTSCHE  
01:42:23 REP. BARRETT  
01:46:57 REP. MAEDJE  
01:53:46 CHAIRMAN PETERSON  
01:59:05 REP. CLARK  
02:07:29 REP. HARRIS  
02:08:41 REP. MAEDJE

**Closing by Sponsor:**

02:10:18 SEN. MIKE WHEAT (D), SD 32 closed the hearing on  
SB 376.  
  
02:13:57 Break  
02:23:50 Resume

**EXECUTIVE ACTION ON SB 44**

02:25:22 **Motion:** REP. LAMBERT moved that SB 44 BE  
CONCURRED IN.

**Discussion:**

02:26:22 REP. BROWN  
02:27:16 REP. FUREY  
02:28:15 REP. GUTSCHE  
02:29:52 REP. LAMBERT  
02:30:23 REP. CLARK  
02:31:49 REP. HARRIS  
02:32:25 REP. BARRETT

02:32:59        Substitute Motion/Vote:   REP. BROWN made a substitute motion that SB 44 BE TABLED. Substitute motion carried 13-5 by voice vote with REPS. BARRETT, BROWN, EVERETT, MAEDJE, and ROSS voting no and REPS. WANZENRIED and DICKENSON voting by proxy.

EXECUTIVE ACTION ON HJ 36

02:34:20        Motion:   REP. ROSS moved that HJ 36 DO PASS.

02:35:28        Motion/Vote:   REP. HEINERT moved that HJ 36 BE AMENDED. Motion carried unanimously by voice vote with REPS. WANZENRIED and DICKENSON voting by proxy.

[EXHIBIT](#) (nah67a07)

02:36:05        Motion:   REP. ROSS moved that HJ 36 DO PASS AS AMENDED.

Discussion:

02:36:12        REP. BROWN

02:37:03        Motion:   REP. GUTSCHE moved that HJ 36 BE AMENDED.  
[EXHIBIT](#) (nah67a08)

02:39:03        *REP. DICKENSON returned to Committee Hearing.*

Discussion:

02:39:22        REP. BARRETT

02:39:36        REP. CLARK

02:40:25        Vote:   Motion carried 17-1 by voice vote with REP. HEINERT voting no and REP. WANZENRIED voting by proxy.

02:40:57        Motion/Vote:   REP. FUREY moved that HJ 36 DO PASS AS AMENDED. Motion carried unanimously by voice vote with REP. WANZENRIED voting by proxy.

EXECUTIVE ACTION ON SB 145

02:42:35        Motion:   REP. HARRIS moved that SB 145 BE CONCURRED IN.

02:43:30 Motion: REP. HARRIS moved that SB 145 BE AMENDED.  
EXHIBIT (nah67a09)

02:43:54 Discussion:  
REP. HARRIS

02:44:47 *REP. BIXBY left the Committee Hearing.*

02:45:07 Vote: Motion carried unanimously by voice vote  
with REPS. WANZENRIED and BIXBY voting by proxy.

02:45:41 Motion/Vote: REP. HARRIS moved that SB 145 BE  
CONCURRED IN AS AMENDED. Motion carried  
unanimously by voice vote with REP. WANZENRIED and  
BIXBY voting by proxy. REP. HARRIS will carry SB  
145.

EXECUTIVE ACTION ON SB 138

02:47:40 Motion: REP. JOPEK moved that SB 138 BE CONCURRED  
IN.

02:48:52 Discussion:  
REP. BROWN  
02:49:42 REP. ROSS  
02:49:59 REP. MAEDJE

02:51:19 Motion: REP. MAEDJE moved that SB 138 BE AMENDED  
with a conceptual amendment.

Discussion:  
02:51:46 REP. BROWN

02:52:17 REP. MAEDJE withdrew the Motion TO AMEND SB 138.

02:52:28 Motion: REP. BROWN moved that SB 138 BE AMENDED  
with a conceptual amendment.

Discussion:  
02:52:43 REP. HEINERT  
02:53:11 REP. SMALL-EASTMAN  
02:53:24 REP. BROWN  
02:53:48 REP. SMALL-EASTMAN  
02:54:20 REP. BROWN  
02:54:44 REP. JOPEK

02:55:05 Vote: Motion carried unanimously by voice vote  
with REPS. WANZENRIED and BIXBY voting by proxy.

02:55:40        Motion/Vote:   REP. JOPEK moved that SB 138 BE  
CONCURRED IN AS AMENDED. Motion carried  
unanimously by voice vote with REPS. WANZENRIED  
and BIXBY voting by proxy. REP. HEINERT will carry  
SB 138.

EXECUTIVE ACTION ON SB 142

02:57:32        Motion:   REP. MAEDJE moved that SB 142 BE  
CONCURRED IN.

Discussion:  
02:57:51        REP. MAEDJE  
02:59:51        REP. EVERETT

03:00:35        Motion:   REP. BROWN moved that SB 142 BE AMENDED.  
EXHIBIT (nah67a10)

Discussion:  
03:01:39        Joe Kolman, Legislative Services Division  
03:03:13        CHAIRMAN PETERSON

03:04:00        Motion:   REP. FUREY moved that SB 142 BE AMENDED  
and that Sections 1, 2 and 4 BE SEGREGATED.

Discussion:  
03:04:51        REP. GUTSCHE  
03:05:26        REP. HEINERT  
03:06:05        REP. ROSS

03:06:33        *REP. JOPEK left the Committee Hearing.*

03:06:51        REP. MAEDJE  
03:07:39        REP. FUREY  
03:08:09        REP. SMALL-EASTMAN  
03:08:35        REP. BROWN  
03:09:19        REP. BARRETT  
03:10:10        REP. MAEDJE

03:11:47        Vote:   Motion carried 10-8 by roll call vote with  
REPS. BIXBY, CLARK, FUREY, GUTSCHE, HARRIS, JOPEK,  
PETERSON, and SMALL-EASTMAN voting no and REPS.  
JOPEK, BIXBY and WANZENRIED voting by proxy.

03:12:36        Motion:   REP. FUREY moved that SB 142 BE AMENDED  
to include Sections 3 & 5-12.

Discussion:

03:13:42 REP. SMALL-EASTMAN  
 03:15:25 REP. ROSS  
 03:15:45 REP. FUREY  
 03:16:46 REP. BROWN  
 03:17:22 REP. FUREY  
 03:17:47 REP. BARRETT  
 03:18:15 REP. GUTSCHE  
 03:18:54 Joe Kolman, Legislative Services Division

03:19:41 Vote: Motion carried 10-8 by roll call vote with REPS. BIXBY, DICKENSON, FUREY, GUTSCHE, HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED voting no and REPS. JOPEK, BIXBY and WANZENRIED voting by proxy.

03:21:24 Motion: REP. BROWN moved that SB 142 BE CONCURRED IN AS AMENDED.

Discussion:

03:21:20 REP. GUTSCHE  
 03:21:56 REP. BARRETT  
 03:22:34 REP. MAEDJE  
 03:23:24 Joe Kolman, Legislative Services Division  
 03:23:43 REP. FUREY

03:24:21 Vote: Motion failed 4-14 by roll call vote with REPS. CLARK, HEINERT, MAEDJE, and ROSS voting aye and REPS. JOPEK, BIXBY and WANZENRIED voting by proxy.

03:25:36 Motion/Vote: REP. LAMBERT moved that SB 142 BE TABLED AND THE VOTE REVERSED. Motion carried by voice vote with REPS. JOPEK, BIXBY and WANZENRIED voting by proxy.

EXECUTIVE ACTION ON SB 214

03:26:11 Motion: REP. LAMBERT moved that SB 214 BE CONCURRED IN.

Discussion:

03:26:54 REP. MAEDJE  
 03:28:27 REP. CLARK  
 03:28:36 REP. EVERETT left Committee Hearing.



03:31:04        Vote: Motion carried 17-1 by voice vote with REP. BROWN voting no with REPS. EVERETT, BIXBY, JOPEK, and WANZENRIED voting by proxy. REP. NOENNIG will carry SB 214.

EXECUTIVE ACTION ON SB 233

03:32:17        Motion: REP. MAEDJE moved that SB 233 BE CONCURRED IN.

03:33:16        Motion: REP. HARRIS moved that SB 233 BE AMENDED. [EXHIBIT](#) (nah67a11)

Discussion:

03:33:39        Joe Kolman, Legislative Services Division

03:35:19        REP. HARRIS

03:36:43        Vote: Motion carried unanimously by voice vote with REPS. JOPEK, WANZENRIED, BIXBY, EVERETT and BROWN voting by proxy.

03:37:31        Motion: REP. GUTSCHE moved that SB 233 BE CONCURRED IN AS AMENDED.

Discussion:

03:38:19        REP. BARRETT

03:39:13        REP. DICKENSON

03:40:06        REP. GUTSCHE

03:41:00        Vote: Motion failed 9-9 by roll call vote with REPS. CLARK, DICKENSON, FUREY, BIXBY, GUTSCHE, HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED voting aye and REPS. JOPEK, EVERETT, BIXBY, WANZENRIED and BROWN voting by proxy.

**ADJOURNMENT**

Adjournment: 7:00 P.M.

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REP. JIM PETERSON, Chairman

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DEBRA POLHEMUS, Secretary

JP/dp

Additional Exhibits:

**EXHIBIT ([nah67aad0.TIF](#))**